

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, OCTOBER 5, 2005
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD DECEMBER 7, 2005
MEETING MINUTES**

Present: Carol Pillsbury – Chair, Steve Leach, Rick Doughty, Paul Knowlton

Staff: Drexell White, Dawn Kinney

AAG: Laura Yustak Smith

Guests: Licensee – Case # 03-19
Dana Strout, Esq.

1. Call To Order: The meeting was called to order at 12:45 p.m.

2. Applications - None

3. Investigations

A. Case #05-03

The committee entered executive session for the purpose of discussing the case number 05-03

***Motion:** To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference with the subject of case 05-03 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned case. (Leach; Pillsbury - motion carries)*

The committee entered executive session at 12:54 p.m. and exited at 1:20 p.m.

During the executive session, the committee reviewed investigation reports, Licensee responses and documents collected during the course of the investigations.

Following executive session, the Committee deliberated action to be taken in the aforementioned cases.

***Motion:** That Licensee subject of case # 05 - 03 violated Maine EMS rules (dated July 1, 2003) Chapter 11.1.26 - operating an ambulance or EMS vehicle it is not licensed or authorized by the board and Chapter 11.1.30 - providing treatment a level for which person is not licensed or for which a service is not licensed or permitted; that the violations are based upon licensee's unlicensed practice for a period of four months six days; that aggravating circumstances exist in that licensee practiced unlicensed practice for over four months; that mitigating circumstances exist in that the committee found no willful intent by Licensee to deceive or mislead, the violation was reported by the service, the service has no previous record of such violations, the service responded to Maine EMS' requests to stop service and ensure EMS coverage by another service during the period following discovery of non-licensed status, the service has instituted a plan to ensure no license lapses in the future and that changes in Maine EMS notification to licensees about license expiration has changed from prior years; and that the committee proposes to resolve the investigation by issuing licensee a letter of warning (Leach; Knowlton - motion carries)*

B. Case 03-19 – Review Proposal

Licensee and Licensee's legal counsel were present to discuss proposed fines as part of the terms of the consent agreement to resolve case number 03-19.

The parties reviewed the terms of the consent agreement that were outlined during the September 2005 meeting, to wit:

- The term of the consent agreement shall be three years

- The violation concerning advertising will be noted in the consent agreement, however, it will also be noted that Licensee as corrected this violation.
- Licensee will conduct a documentation class for the services personnel within three months of the execution of this consent agreement. The documentation class will be a Maine EMS approved continuing education program
- Required changes to the dispatch program will be noted, as well as changes already made by licensee. The dispatch form will be changed to include to whom a call is referred. Recordings and logs will be available to Maine EMS upon request
- The quality assurance plan for the service will be as follows:
 - 100% quality assurance review for a three-month period by an outside quality assurance person approved by Maine EMS and paid for by Licensee
 - 100% quality assurance review for three months by the outside quality assurance person and service QA personnel
 - 100% quality assurance review for three months by Licensee's quality assurance personnel
 - Quarterly QA reports to Maine EMS during the term of the agreement
 - A three-month review of 25% of run reports at 2.5 years after the consent agreement execution.

Licensee and licensee's attorney then outlined the indirect and direct costs that licensee had incurred as part of this investigation and as part of the corrections that licensee made to comply with Maine EMS rules. Several options were discussed for fine amounts in light of the documentation and response violations found by the committee.

Motion: That the terms of the consent agreement include an \$8,100 fine, all but \$3000 suspended, to be paid by licensee within 15 months of the execution of the consent agreement (Doughty: Leach - motion carries)

Laura Yustak Smith and staff will draft a consent agreement for forwarding to licensee.

4. Next Meeting

The next meeting is scheduled for November 2, 2005 after the Maine EMS Board meeting provided that MEMS staff has any items for the agenda.

3. Adjourn – The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Drexell White, EMT-P
Licensing Agent